

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO et al.,

Debtors.¹

PROMESA

Title III

Case No. 17 BK 3283-LTS

(Jointly Administered)

ORDER CONCERNING O'NEILL & BORGES LLC'S MOTION TO STRIKE (DOCKET ENTRY NO. 22419)

The Court has received and reviewed *O'Neill & Borges LLC's Motion to Strike "Carlos Lamoutte's [So-Called] Reply and Informative Motion to Place Under Judicial Notice Certain Adjudicative Facts Pursuant to Rule 201 of the Federal Rules of Evidence" at Docket Number 22320 and for Other Relief* (Docket Entry No. 22419 in Case No. 17-3283)² (the "Motion to Strike"), filed by O'Neill & Borges LLC ("O&B").

The Motion to Strike requests entry of an order striking the Reply³ or, in the alternative, striking any reference to O&B in the Reply, as well as ordering Attorney Lamoutte to pay the attorney's fees expended by O&B in drafting the Motion to Strike (see Mot. to Strike at 10-11), due to the allegedly "defamatory pretextual contentions" and insults contained in Attorney Lamoutte's filings. (See, e.g., Mot. to Strike ¶¶ 13, 15, 18.) The Court's determination as to whether particular statements by Attorney Lamoutte are defamatory would be intertwined with the underlying merits of the Motion to Disqualify O&B and Motion to Disqualify

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² All docket entry references herein are to the docket of Case No. 17-3283.

³ Capitalized terms used but not defined herein have the meaning given to them in the Motion to Strike.

McKinsey, each of which remains sub judice. The parties' repeated filings concerning these matters, whatever their justification, hinder the timely resolution of those motions. As such, for reasons of judicial economy and efficient use of the parties' resources, the Motion to Strike should not be addressed, if at all, until the Motion to Disqualify O&B and Motion to Disqualify McKinsey have been resolved. To the extent that the Court finds it necessary to evaluate the truth of the assertions in and the propriety of taking judicial notice of the facts alleged in the Reply, O&B will be given an opportunity to respond.

Accordingly, the Motion to Strike is hereby terminated without prejudice to renewal following the resolution of the Motion to Disqualify O&B and the Motion to Disqualify McKinsey. O&B and Attorney Lamoutte are hereby ordered to cease filing further pleadings concerning the Motion to Strike, the Motion to Disqualify O&B, and the Motion to Disqualify McKinsey, pending resolution of the Motion to Disqualify O&B and Motion to Disqualify McKinsey.

This Order resolves Docket Entry No. 22419 in Case No. 17-3283.

SO ORDERED.

Dated: October 4, 2022

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge